

REMARKS

This is a response to the final Office Action mailed July 16, 2007. No claims have been cancelled herein. New claims 44-46 have been added herein. Claims 25 and 32 have been amended to place these claims in condition for allowance. Thus, claims 25-28, 30-32, 34, 36, 37, and 43-46 are pending.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Allowable Subject Matter

Applicants acknowledge with appreciation that claims 31 and 37 are allowable.

Request for Examiner Interview

Applicants respectfully request an Examiner interview to discuss the Examiner's rejections before the Examiner considers this Amendment. Accompanying this Amendment is an Applicant Initiated Interview Request Form.

Declaration of Mark R. Weiss

The Office Action states that the *Declaration of Mark R. Weiss Pursuant to 37 C.F.R. § 1.132* ("Declaration") dated April 12, 2007 is immaterial because the claims recite that the bushings must be capable of being fixed in the manner described and not that they are/must be fixed. Office Action mailed July 16, 2007, page 3. Applicants respectfully disagree. Nevertheless, to expedite the issuance of the application, Applicants have amended claim 25 to clarify that the inner metal bushing is rotationally and translationally fixed relative to the outer metal bushing. Claim 32 has been amended to clarify that the inner and outer bushings are radially expanded by a like amount because of the second circumferentially seamless inner surface of the second body being radially displaced. Accordingly, the *Declaration* supports the patentability of the pending claims.

Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 25-28, 30, 32, 34, and 36 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,252,493 issued to Smith ("Smith"). Applicants respectfully traverse these rejections for at least the reasons set forth below.

Claims 25-28 and 30

Smith does not teach or suggest each and every limitation of independent claim 25. Amended claim 25 recites, among other things, a substantially equal, outwardly radial displacement throughout nearly all of a longitudinal length of the circumferentially seamless outer surface of the inner metal bushing and nearly all of a longitudinal length of the circumferentially seamless inner surface of the outer metal bushing. In contrast to claim 25, the Smith fastener has an inner core 11 with an edge 18 that undergoes highly localized deformation while an outer expander 13 retains its shape. *Declaration*, ¶ 8 and ¶ 9. As shown in Figure 6 of Smith, the deformed edge 18 protrudes outwardly due to the peening process. Col. 3, lines 27-33.

Claim 25 also recites, among other things, that substantially uniform stresses are developed along the longitudinal lengths of the inner bushing and the outer bushing. In contrast, the Smith fastener develops highly localized stresses at the edge 18 of the inner core 11 while the expander 13 retains its original shape. *Declaration*, ¶ 8 and ¶ 9. Smith simply does not teach or suggest each and every limitation of claim 25.

Dependant claims 26-28 and 30 are patentably distinguished over the cited reference for at least the reasons with respect to claim 25, as well as for novel and nonobvious features recited therein. Thus, claims 25-28 and 30 are in condition for allowance.

Claims 32, 34, 36, and 43

Smith does not teach or suggest each and every limitation of independent claim 32. Claim 32 recites, among other things, that the inner and outer bushings are radially expandable by a like amount when the second circumferentially seamless inner surface of the second body is radially displaced. In contrast to claim 32, Smith merely discloses peening the outer edge 18 of the inner core 11 outwardly into the countersink 23 of the expander 13, which retains its original shape. See Figure 6 of Smith; see also *Declaration*, ¶ 8 and ¶ 9. Additionally, Smith does not

teach or suggest developing compressive stresses sufficient to increase the fatigue life of the workpiece, as recited in claim 32. Thus, Smith does not teach or suggest each and every limitation of claim 32.

Dependant claims 34, 36, and 43 are patentably distinguished over the cited reference for at least the reasons with respect to claim 32, as well as for novel and nonobvious features recited therein. Thus, claims 32, 34, 36, and 43 are in condition for allowance.

Claim 37

Smith does not teach or suggest each and every limitation of independent claim 37. Amended claim 37 recites, among other things, that the first body and the second body are elliptical. In contrast to claim 37, Smith merely discloses the inner core 11 and the expander 13 each having a circular profile, as shown in Figures 1 and 2 of Smith. Because Smith does not teach or suggest each and every limitation of claim 37, Applicants respectfully submit that claim 37 is in condition for allowance.

New Claims

Claims 44-46 have been added. These claims are fully supported by the application as filed. Accordingly, no new matter has been added by this amendment. Consideration of new claims 44-46 is respectfully requested.

Conclusion

Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the cited reference shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. No new matter has been added to the application.

Application No. 09/603,857
Reply to Office Action dated July 16, 2007

Applicants respectfully request that the Examiner reconsider this application and timely allow all pending claims. If the Examiner notes any informalities in the claims, he is encouraged to contact the undersigned by telephone to expediently correct such informalities.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Karl Klassen

Registration No. 54,224

KLK:cm
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

1026850_1.DOC